

Remarks/Arguments

This Amendment is in response to the Office Action mailed June 18, 2004. Claims 1-10 are pending in this case. Claims 1-8 and 10 have been rejected. Claim 9 has been objected to. Claims 1, 6 and 10 have herein been amended, and Claim 9 has herein been deleted. Claims 2-5 and 7-8 remain unchanged. New Claims 11-21 have been added.

Claim 9 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 1 has herein been amended, *inter alia*, to include the allowable limitation of Claim 9. It is respectfully submitted that amended Claim 1, as well as its dependent Claims 2-8, are patentably distinct from the prior art of record. An early notice of allowance is respectfully requested.

Method Claim 10 has been amended, *inter alia*, to include a similar limitation to that of Claim 9. As such, it is respectfully submitted that Claim 10 is likewise patentably distinct from the prior art of record. An early notice of allowance is respectfully requested.

Claims 1-3, 5, 6, 8 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kinnemann (US 6,107,579). For the following reasons, the Examiner's rejection is respectfully traversed.

Kinnemann does not meet every limitation of Claims 1-3, 5, 6, 8 and 10 as required under 35 U.S.C. §102(b).

With respect to amended Claim 1, Kinnemann fails to anticipate an x-y table assembly. Kinnemann does not teach, disclose or suggest the same.

With respect to Claim 5, Kinnemann fails to anticipate that the scale transport assembly is detachably supported atop of the load cell assembly. Kinnemann does not teach, disclose or suggest the same. Kinnemann fails to discuss how the twin band conveying systems are mounted on each of the weighing systems; however, there is nothing to suggest that these twin band conveying systems are anything but securely and rigidly mounted thereto. It appears that Kinnemann's system would not be functional if to the contrary. Nonetheless, anticipate requires each claimed limitation to be affirmatively shown or described and Kinnemann fails to do so.

With respect to amended Claim 6, Kinnemann fails to anticipate a channel pathway assembly having a pair of sidewalls forming a channel pathway on the scale transport assembly.

Kinnemann does teach a scale transport assembly, but does not teach, disclose or suggest a channel pathway assembly having a pair of sidewalls on the scale transport assembly. These are two distinctly claimed elements in amended Claim 6. Kinnemann fails to teach, suggest or disclose, in addition to the scale transport assembly, a pair of sidewall forming a channel pathway on the scale transport assembly.

With respect to amended Claim 10, Kinnemann fails to anticipate the step of mounting a load cell assembly to an adjustable table assembly. Kinnemann does not teach, disclose or suggest the same.

Claims 1-3, 5, 6, 8 and 10 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hubler et al. (US 6,265,675). For the following reasons, the Examiner's rejection is respectfully traversed.

Hubler et al. does not meet every limitation of Claims 1-3, 5, 6, 8 and 10 as required under 35 U.S.C. §102(b).

With respect to amended Claim 1, Hubler et al. fails to anticipate an x-y table assembly. Hubler et al. does not teach, disclose or suggest the same.

With respect to Claim 5, Hubler et al. fails to anticipate that the scale transport assembly is detachably supported atop of the load cell assembly. Hubler et al. does not teach, disclose

or suggest the same. To the contrary, Hubler et al. indicates that the entire support pan 6 is secured to the free end 71 of weighing cell 7 (see column 6, lines 30-34).

With respect to amended Claim 10, Hubler et al. fails to anticipate the step of mounting a load cell assembly to an adjustable table assembly. Hubler et al. does not teach, disclose or suggest the same.

Claims 4 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hubler et al. in view of Luchinger et al. (US 6,686,545). For the following reasons, the Examiner's rejection is respectfully traversed.

The proposed combination does not make Claims 4 and 7 obvious. The proposed combination fails to make obvious the base claim limitation of an x-y table assembly.

Further, the proposed combination fails to make obvious the Claim 4 limitation of a plurality of load cells. Neither cited reference in the proposed combination discloses or suggests the use of a plurality of load cells. The legal precedent cited in the rejection with respect to duplication of parts is inapplicable in this instance, as the facts of *In re Harza* are not similar to those in this application. To the contrary, there is no motivation in the proposed combination for one of ordinary skill in the art to use two separate load cells in place of one,

since it is unnecessary in the proposed combination and would only lead to a substantial increase in material costs. Instead, Applicants' use of a plurality of load cells provides the novel and unobvious features and advantages described in the specification, including the ability to configure and operate the mail weighing system and scale apparatus as described.

Further, the proposed combination fails to make obvious the Claim 7 limitation that at least one of the pair of sidewalls is hinged to provide access to the channel pathway. Luchinger et al. is being cited to show that hinged walls are generally known. However, the "Balance With A Weighing Compartment" of Luchinger et al. is non-analogous art to mail weighing scales. Further, there is no suggestion or motivation in either reference to make the front wall of Hubler et al. hinged to allow access to the scale pan. To the contrary, the front wall of Hubler et al. is so short that the scale pan is already accessible, and there is no need to make it hinged.

New Claims 11-21 have been added to further particularly point out and distinctly claim Applicants' mail weighing system and scale apparatus. Specifically, the novel and unobvious structure relating to the supporting of the scale transport assembly on top of the load cell assembly is claimed.

It is respectfully submitted that none of the prior art of record, either alone or in combination, fairly teaches, suggests or discloses the novel and unobvious features of Applicants' claims. Accordingly, Applicants respectfully assert that the claims as presented herein are now in condition for allowance. An early notice allowance is respectfully requested.

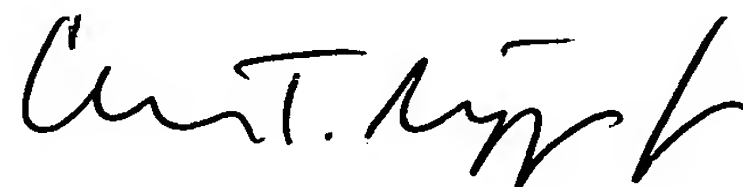
Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicants. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

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